

RECEIVED

2012 NOV -6 AM 10:47 700 Thirteenth Street, N.W., Suite 600
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EMAIL: BSvoboda@perkinscoie.com

November 5, 2012

Jeff S. Jordan, Esq.
Supervisory Attorney
Complaints Examination & Legal Administration
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 6647
Friends of Charlie Wilson and Angela Hatfield, Treasurer

Dear Mr. Jordan:

On behalf of my clients, Friends of Charlie Wilson and Angela Hatfield, Treasurer ("Respondents"), I write to respond to the Complaint in MUR 6647.

The Complaint involves contributions Respondents lawfully accepted, and a loan that the candidate lawfully made more than six years ago. The Complaint claims that Respondents received an excessive contribution from a union PAC, even though a review of their reports would have shown that there was no excessive contribution. The Complaint alleges further that Respondents failed to disclose whether the loan was from the candidate's personal funds, even though earlier reports showed clearly that it was. Respondents have taken the necessary steps to clarify these matters, and no further Commission action is warranted.

DISCUSSION

Friends of Charlie Wilson is the principal campaign committee of Charlie Wilson, a candidate for Congress in Ohio's Sixth District; Angela Hatfield is its treasurer. The Committee registered with the Commission in 2005 and served as Mr. Wilson's principal campaign committee in subsequent elections, including the 2012 election. On April 18, 2006, Mr. Wilson loaned \$250,000 to his 2006 primary election campaign for Congress. The report at that time clearly showed that the loan was made with his personal funds. See Exhibit A.

2012 NOV -6 PM 1:53
OFFICE OF GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

13044343116

During his 2012 campaign, on February 16, 2012, Respondents received a \$5,000 contribution for the primary election from the Sheet Metal Workers' International Association Political Action League. On February 18, 2012, it filed a 48-hour report disclosing this contribution. *See* Exhibit B. Respondents later learned of two online contributions received on February 16, 2012. Accordingly, they filed an amended 48-hour report, adding these newly-discovered contributions to the one received that same day from the Sheet Metal Workers PAC. *See* Exhibit C. However, the report did not indicate that it was an amendment.

Thus, while the transaction ID number for the Sheet Metal Workers PAC's contribution – C6883451 – was the same on both 48-hour reports, and again on the April 15 Quarterly Report, *see* Exhibit D, a cursory reader might have thought that the Sheet Metal Workers PAC had made two contributions, not one.¹ This is exactly what the Complaint did. It argued either that Respondents overreported the Sheet Metal Workers PAC contribution by disclosing it twice on their 48-hour reports, or that they received an excessive contribution. *See* Complaint at 3. It then proceeded to speculate that Respondents refunded the "excessive" contribution and failed to disclose the "refund." *See id.* at 4.

In its zeal to trigger Commission process against Mr. Wilson's campaign, the Complaint pointed also to the disclosure of the 2006 loan on Respondents' April 15 Quarterly Report. They claimed that, because the loan did not contain the notation "Personal Funds" on Schedule C, Respondents had somehow failed to disclose its source – even though the loan was more than six years old, and even though the candidate's use of personal funds to make the loan had long been a matter of public record. *See* Exhibit A.

Even if the Complaint could be taken to allege a violation by Respondents, it would warrant no further action. Respondents have taken the necessary steps to clarify the public record. They filed an amended April 15 Quarterly Report to make clear that the 2006 loan was made with the candidate's personal funds. *See* Exhibit E. They responded to a Commission Request for Additional Information about the Sheet Metal Workers PAC contribution and the 2006 loan, which correctly surmised that they "may have filed duplicate 48-hour notices." They explained that the 48-hour report filed on February 24, 2012, should have been marked as an amendment. Finally, they have taken steps, in consultation with their external campaign finance reporting vendor, to ensure that late contributions are properly tracked, and that their reporting software generates the necessary text for items like the 2006 loan.

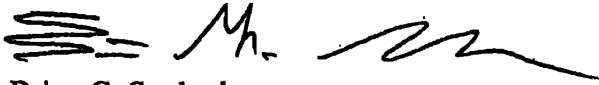
¹ The Sheet Metal Workers PAC later made a \$5,000 contribution for the general election, which Respondents received on March 10.

13044343117

Jeff S. Jordan, Esq.
November 5, 2012
Page 3

Accordingly, Respondents respectfully request that the Commission dismiss the Complaint and take no further action.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Svoboda', followed by a long, horizontal, wavy line.

Brian G. Svoboda
Counsel to Respondents

Attachments

EXHIBIT A

13044343119

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office-Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If typing, type
over the lines

FRIENDS OF CHARLIE WILSON

ADDRESS (number and street)

17 CADIZ PIKE

Check if different
than previously
reported. (ACC)

BRIDGEPORT

OH

43912

2. FEC IDENTIFICATION NUMBER

C00412015

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

OH

06

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

In the
State of

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

In the
State of

5. Covering Period

04

13

2006

through

06

30

2006

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

TERRENCE A. LEE

Signature of Treasurer

Electronically Filed by

TERRENCE A. LEE

Date

07

14

2006

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

13044343120

SCHEDULE C (FEC Form 3)**LOANS**Use separate schedule(s)
for each category of the
Detailed Summary Page

PAGE 216/219

FOR LINE NUMBER:
(check only one)☒ 13a
☐ 13bNAME OF COMMITTEE (In Full)
FRIENDS OF CHARLIE WILSON

Transaction ID: SC/10:6295

LOAN SOURCE Full Name (Last, First, Middle Initial)
CHARLES A. WILSON, - Personal funds

Election:

☒ Primary☐ General☐ Other (specify) ▼

Mailing Address 227 N LINCOLN AVENUE

City BRIDGEPORT

State OH

ZIP Code 43912

Original Amount of Loan

250000.00

Cumulative Payment To Date

0.00

Balance Outstanding at Close of This Period

250000.00

TERMS

Date Incurred

M D Y
04 18 2006

Date Due

NONE

Interest Rate

NONE % (apr)

Secured:

☐ Yes ☒ No**List All Endorsers or Guarantors (if any) to Loan Source**

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount

Guaranteed
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount

Guaranteed
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount

Guaranteed
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount

Guaranteed
Outstanding:

SUBTOTALS This Period This Page (optional)

250000.00

TOTALS This Period (last page in this line only)

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

EXHIBIT B

13044343122

48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL Friends of Charlie Wilson			
ADDRESS (number and street) PO Box 334			
CITY, STATE, and ZIP CODE Bridgeport OH 43912			
2. NAME OF CANDIDATE CHARLES A WILSON	3. OFFICE SOUGHT (State and District) House OH D6	4. FEC IDENTIFICATION NUMBER C00412015	
5. IS THIS AN AMENDMENT? <input checked="" type="checkbox"/> NO, THIS IS A NEW FILING <input type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON _____			
A. FULL NAME, MAILING ADDRESS AND ZIP CODE Sheet Metal Workers' International Association Political Action League 1750 New York Ave NW Washington DC 20006-5305		Name of Employer Sheet Metal Worker's International Ass Transaction ID : C0803451 Occupation Government Relations	Date (month, day, year) 02/18/2012 Amount 5000.00
B. FULL NAME, MAILING ADDRESS AND ZIP CODE		Name of Employer	Date (month, day, year)
		Occupation	Amount
C. FULL NAME, MAILING ADDRESS AND ZIP CODE		Name of Employer	Date (month, day, year)
		Occupation	Amount
D. FULL NAME, MAILING ADDRESS AND ZIP CODE		Name of Employer	Date (month, day, year)
		Occupation	Amount
E. FULL NAME, MAILING ADDRESS AND ZIP CODE		Name of Employer	Date (month, day, year)
		Occupation	Amount
SIGNATURE (optional) <i>Angela Hatfield</i>		DATE 02/18/2012	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100
		(Electronically Filed)	

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Any information copied from reports and statements filed under the Federal Election Campaign Act may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

FEC FORM 6
(Revised 07/2011)

EXHIBIT C

13044343124

48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL Friends of Charlie Wilson			
ADDRESS (number and street) PO Box 334			
CITY, STATE, AND ZIP CODE Bridgeport OH 43912			
2. NAME OF CANDIDATE CHARLES A WILSON		3. OFFICE SOUGHT (State and District) House OH D6	
		4. FEC IDENTIFICATION NUMBER C00412015	
5. IS THIS AN AMENDMENT? <input checked="" type="checkbox"/> NO, THIS IS A NEW FILING <input type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON _____			
A. FULL NAME, MAILING ADDRESS AND ZIP CODE			
Richard Sokolov		Name of Employer Simon Property Group	
7763 Silver Fox Drive		Date (month, day, year) 02/16/2012	
Youngstown OH 44512		Amount 2000.00	
		Transaction ID : C6883305	
		Occupation President	
B. FULL NAME, MAILING ADDRESS AND ZIP CODE			
Susan Sokolov		Name of Employer N/A	
7763 Silver Fox Drive		Date (month, day, year) 02/16/2012	
Youngstown OH 44512		Amount 2000.00	
		Transaction ID : C6883306	
		Occupation N/A	
C. FULL NAME, MAILING ADDRESS AND ZIP CODE			
Sheet Metal Workers' International Association Political Action League		Name of Employer Sheet Metal Worker's International Ass	
1750 New York Ave NW		Date (month, day, year) 02/16/2012	
Washington DC 20006-5305		Amount 5000.00	
		Transaction ID : C6883451	
		Occupation Government Relations	
D. FULL NAME, MAILING ADDRESS AND ZIP CODE			
		Name of Employer	
		Date (month, day, year)	
		Amount	
		Occupation	
E. FULL NAME, MAILING ADDRESS AND ZIP CODE			
		Name of Employer	
		Date (month, day, year)	
		Amount	
		Occupation	
SIGNATURE (optional) <i>Angela Hultfield</i>		DATE 02/24/2012	
		For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100	
		[Electronically Filed]	

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Any information copied from reports and statements filed under the Federal Election Campaign Act may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

FEC FORM 6
(Revised 07/2011)

EXHIBIT D

13044343126

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

Friends of Charlie Wilson

ADDRESS (number and street)

P.O. Box 334

Check if different
than previously
reported. (ACC)

Bridgeport

OH

43912

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT



C00412015

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

OH

08

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)



January 21 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

11/03/2012

In the
State of

OH

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

11/03/2012

In the
State of

OH

5. Covering Period

02

16

2012

through

03

31

2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Ms. Angela Hatfield

Signature of Treasurer

Ms. Angela Hatfield

[Electronically Filed]

Date

04

15

2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

SCHEDULE A (FEC Form 3) **ITEMIZED RECEIPTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

PAGE 28 OF 60

☐ 11a ☐ 11b ☒ 11c ☐ 11d
☐ 12 ☐ 13a ☐ 13b ☐ 14 ☐ 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
Friends of Charlie Wilson

Full Name (Last, First, Middle Initial)

Sheet Metal Workers' International Association Political Action League

A.

Mailing Address 1750 New York Ave NW

City

Washington

State

DC

Zip Code

20008-5305

FEC ID number of contributing
federal political committee.

C C00007542

Name of Employer

Occupation

Receipt For: 2012

☒ Primary ☐ General
☐ Other (specify)

Election Cycle-to-Date

10000.00

Date of Receipt

02 / 16 / 2012

Transaction ID : C6883451

Amount of Each Receipt this Period

5000.00

Full Name (Last, First, Middle Initial)

Appraisal Institute Political Action Committee

B.

Mailing Address 122 C St NW
Ste 360

City

Washington

State

DC

Zip Code

20001-2149

FEC ID number of contributing
federal political committee.

C C00144281

Name of Employer

Occupation

Receipt For: 2012

☐ Primary ☒ General
☐ Other (specify)

Election Cycle-to-Date

2000.00

Date of Receipt

03 / 10 / 2012

Transaction ID : C6911741

Amount of Each Receipt this Period

2000.00

Full Name (Last, First, Middle Initial)

Friends of Penny Traina

C.

Mailing Address 709 Riverside

City

Wellsville

State

OH

Zip Code

43988

FEC ID number of contributing
federal political committee.

C

Name of Employer

Occupation

Receipt For: 2012

☐ Primary ☒ General
☐ Other (specify)

Election Cycle-to-Date

100.00

Date of Receipt

03 / 13 / 2012

Transaction ID : C6812432

Amount of Each Receipt this Period

100.00

SUBTOTAL of Receipts This Page (optional).....

7100.00

TOTAL This Period (last page this line number only).....

EXHIBIT E

13044343129

FEC
FORM 3REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

Friends of Charlie Wilson

ADDRESS (number and street)

P.O. Box 334

Check if different
than previously
reported. (ACC)

Bridgeport

OH

43912

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C C00412015

3. IS THIS
REPORTNEW
(N)

OR

X

AMENDED
(A)

OH

06

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

X April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

M M / D D / Y Y Y Y

In the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

M M / D D / Y Y Y Y

In the
State of

5. Covering Period

M M / D D / Y Y Y Y
02 18 2012

through

M M / D D / Y Y Y Y
03 31 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Ms. Angela Hatfield

Signature of Treasurer

Ms. Angela Hatfield

[Electronically Filed]

Date

M M / D D / Y Y Y Y
10 05 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
OnlyFEC FORM 3
(Revised 02/2003)

SCHEDULE C (FEC Form 3)
LOANS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

PAGE 62 OF 82

 FOR LINE NUMBER:
 (check only one)

☒ 13a
☐ 13b

NAME OF COMMITTEE (In Full)

Transaction ID : L760

Friends of Charlie Wilson

LOAN SOURCE Full Name (Last, First, Middle Initial)

[PERSONAL FUNDS]

Charles A. Wilson PERS FUNDS

Election: 2006

☒ Primary☐ General☐ Other (specify) ▼
 Mailing Address
 227 N Lincoln Ave

City

State

ZIP Code

Bridgeport

OH

43912-1645

Original Amount of Loan

250000.00

Cumulative Payment To Date

58350.00

Balance Outstanding at Close of This Period

191650.00

TERMS

Date Incurred

Date Due

Interest Rate

Secured:

M 04 / D 18 / Y 2006

M M / D D / Y Y Y Y

0.00

% (apr)

☐ Yes☒ No

List All Endorsers or Guarantors (If any) to Loan Source

1. Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount

Guaranteed
Outstanding:

2. Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount

Guaranteed
Outstanding:

3. Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount

Guaranteed
Outstanding:

4. Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount

Guaranteed
Outstanding:

SUBTOTALS This Period This Page (optional)..... ►

191650.00

TOTALS This Period (last page in this line only) ►

416650.00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

13044343131